

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEARSON EDUCATION, INC., ELSEVIER
INC., BEDFORD, FREEMAN & WORTH
PUBLISHING GROUP, LLC d/b/a
MACMILLAN LEARNING, CENGAGE
LEARNING, INC., and MCGRAW HILL LLC,

Plaintiffs,

-against-

SAURABH AGGARWAL, ASHOK
KUMAR, AYUSH AGGARWAL,
SHIKHA AGGARWAL, NATASHA
AGGARWAL, SAVITA AGGARWAL,
ABC PUBLISHERS & DISTRIBUTORS
PVT. LTD., ABCPD INTERNATIONAL
LTD., ACADEMICBOOKS INC.,
ACUITY CORP., AEGIS TRADING
CORP., AGGARWAL BOOK CENTRE,
AGGARWAL OVERSEAS, ALLEGIS
CORP., AMACO CORP., APEX
TRADING CO., APPLEBEE'S CORP.,
ASPYR CORP., ASPYR
INTERNATIONAL LTD., BENNIGAN
MEDIA CORP., BIRDWELL CORP.,
BOOKMART, BOOKMOR CORP.,
BOOKMAX CORPORATION,
BOOKPORT CORP., BOOKREX CORP.,
BOOKSNESENCE, BOWLMOR CORP.,
BOYD BRANDS INC., BRUKER
INTERNATIONAL CORP., COGNEVO
MEDIA CORP., COLECO CORP.,
COLUMBIA BOOK CORP.,
CONNISSEUR TRADING INC., CONS
MED DISTRIBUTORS CORP., CYNA
TRADING, DENBURY CORP.,
DESCRIBINGBOOKS INC., DIPPIN
CORP., DYNERGY MEDIA INC., EBF
CORP. LTD., ENCORE CORP. LTD.,
ESTERLINE CORP., FANAKA
TRADING INC., FLEXI TRADING
CORP, FRASCA CORP., GOGREEN
BOOKS CORP., GOODWILLBOOKS

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17-CV-203 (KMW)

MEMORANDUM OPINION

INC., GRAN BOOKS INC., GRAYBAR
CORP., HARPO CORP., HELIOSBOOKS
INC., IN-LIGHT LIMITED, IVORY
BOOKS CORP., KALITTA CORP.,
KROGER CORP., LIBERTY BOOKS,
INC., LOVEFREIGHT LTD., MAGNA
WORLD CORPORATION, MITTEL
INC., NATWORLD Civil Action No. 17-
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CORP., NORTEL CORP., PLUS
BROKERAGE INC., PROLIFIC
TRADING INC., QUATTRO TRADING
INC., REGENT INTERNATIONAL,
RENNICS BOOKSHOP AFRICA LTD.,
SALVIA CORP., SASHA
INTERNATIONAL, LLC, SIERRA
BOOKWORLD LIMITED, SIGNA
CORP., TRANSGLOBALBOOKS CORP.,
TURBOBOOKS CORP.,
UNIWORLDBOOKS INC., VARAHA
CORP., VEDI BOOKS PVT. LTD.,
WHITE LEAF CORP.,
YOUBOOKWORLD INC., ZETTA
CORP., and ZETTAWORLD CORP.,,

Defendants.

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KIMBA M. WOOD, United States District Judge:

WHEREAS on August 4, 2022, Plaintiffs filed a notice of voluntary dismissal, without prejudice, of their claims against Defendants Apex Trading Co., Bennigan Media Corp., Bookmart, Cognevo Media Corp., Connaisseur Trading Inc., Esterline Corp., Graybar Corp., Harpo Corp., InLight Limited, Kalitta Corp., Plus Brokerage Inc., Prolific Trading Inc., and Zettaworld Corp. (collectively, “Defendants”); and

WHEREAS Federal Rule of Civil Procedure 41(a)(1)(i) permits a plaintiff to file a notice of dismissal without order of court at any time before service by the defendants of an answer or motion for summary judgment; and

WHEREAS district courts within the Second Circuit have held, pursuant to *Wakefield v. Northern Telecom, Inc.*, 769 F.2d 109 (2d Cir. 1985), that Rule 41 allows a plaintiff to withdraw an action with regard to fewer than all defendants, *see Seidman v. Chobani, LLC*, No. 14-CV-4050, 2016 WL 1271066 (S.D.N.Y. Mar. 29, 2016) (Gardephe, J.); *Blaize-Sampeur v. McDowell*, No. 05-CV-4275, 2007 WL 1958909 (S.D.N.Y. Jun. 29, 2007) (Bianco, J.);

The Court hereby acknowledges that Plaintiffs' notice of voluntary dismissal is effective, without order of court, to dismiss without prejudice Plaintiffs' claims against Defendants.

Dated: New York, New York
August 15, 2022

/s/ Kimba M. Wood

KIMBA M. WOOD
United States District Judge